

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 6184

BILL NUMBER: HB 1024

NOTE PREPARED: Nov 17, 2011

BILL AMENDED:

SUBJECT: Requires a Child to Wear a Flotation Device.

FIRST AUTHOR: Rep. Pflum

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: X GENERAL
X DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill prohibits a person from operating a boat unless each child less than 13 years of age onboard the boat is wearing a personal flotation device. The bill provides for certain exceptions.

The bill provides that a violation of this requirement is a Class C infraction.

The bill also requires that funds collected as a judgment for the infraction of violating this requirement be deposited in the Fish and Wildlife Fund.

Effective Date: July 1, 2012.

Explanation of State Expenditures: The Department of Natural Resources (DNR) may experience additional administrative expenses associated with notifying the public of the provisions of the bill. However, the Department should be able to perform this task within the current level of resources available.

Explanation of State Revenues: If additional court cases occur and court fees are collected, revenue to the state General Fund may increase. The maximum judgment for a Class C infraction is \$500, which the bill directs to be deposited in the Fish and Wildlife Fund. (Unless otherwise directed, revenue related to judgements for Class C infractions would be deposited in the state General Fund.)

If court actions are filed and a judgment is entered, a court fee of \$70 would be assessed, 70% of which would be deposited in the state General Fund if the case is filed in a court of record or 55% if the case is filed in a city or town court. In addition, some or all of the document storage fee (\$2), automated record keeping fee (\$5), judicial salaries fee (\$19), the public defense administration fee (\$5), the court administration fee

(\$5), and the judicial insurance adjustment fee (\$1) are deposited into the state General Fund.

Additional Information: DNR has reported the following information with regard to the number of tickets issued for current personal flotation device (PFD) violations. The existing violations are Class C infractions and are related to the requirement to have PFDs on board in sufficient numbers to provide one for each passenger. There are no data to indicate the number of incidents that included the presence of children under the age of 13 who were not wearing a PFD.

Tickets Issued	CY 2009	CY 2010	CY 2011 to date*
Warning	633	751	555
Citation	597	582	513
Total	1,230	1,333	1,068
* Through November 15, 2011.			

Explanation of Local Expenditures:

Explanation of Local Revenues: *Penalty Provision:* If additional court actions are filed and a judgment is entered, local governments would receive revenue from the following sources. The county general fund would receive 27% of the \$70 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. Additional fees may be collected at the discretion of the judge and depending upon the particular type of case.

State Agencies Affected: DNR.

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources: DNR.

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